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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**
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11 ROBERTO SANTIAGO RAMIREZ,

12 Petitioner,

13 v.

14 SPEARMAN, Warden,

15 Respondent.
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Case No. 1:14-cv-01798-AWI-SKO-HC

ORDER RE: FINDINGS AND
RECOMMENDATIONS (DOC. 18)

ORDER DISMISSING PETITIONER'S STATE
LAW CLAIM WITHOUT LEAVE TO AMEND
(DOC. 1) AND REFERRING THE MATTER
BACK TO THE MAGISTRATE JUDGE FOR
FURTHER PROCEEDINGS

17 Petitioner is a state prisoner proceeding pro se with a
18 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.
19 The matter was referred to the Magistrate Judge pursuant to 28
20 U.S.C. § 636(b)(1) and Local Rules 302 and 304.

21 On December 31, 2014, the Magistrate Judge filed findings
22 and recommendations to dismiss without leave to amend
23 Petitioner's state law claim that his sentence violates the
24 constitution of the state of California, and to refer the matter
25 back to the Magistrate Judge to order a response to the
26 remaining claim and issue a scheduling order. The findings and
27 recommendations were served on all parties on the same date.
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1 The findings and recommendations advised the parties that
2 objections could be filed within thirty days and replies within
3 fourteen days after the filing of objections. On February 17,
4 2015, Petitioner filed timely objections. Although over
5 fourteen days have passed since the filing of objections, no
6 reply to the objections has been filed.

7 In accordance with the provisions of 28 U.S.C.
8 § 636(b)(1)(C), this Court has conducted a de novo review of the
9 case. The undersigned has carefully reviewed the entire file
10 and has considered the objections; the undersigned has
11 determined there is no need to modify the findings and
12 recommendations based on the points raised in the objections.
13 The Court finds that the report and recommendations are
14 supported by the record and proper analysis.

15 Accordingly, it is ORDERED that:

16 1. The findings and recommendations filed on December 31,
17 2014, are ADOPTED in full; and

18 2. Petitioner's state law claims are DISMISSED without
19 leave to amend; and

20 3. The matter is REFERRED back to the Magistrate Judge for
21 further proceedings.

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23 IT IS SO ORDERED.

24 Dated: April 30, 2015



25 SENIOR DISTRICT JUDGE
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